IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 12677 of 2004

Between:

Smt.Naseem Begum W/o.Mohd. Ismail,
R/o.H.No.9-11-118, Ahmedpura Colony, Nizamabad.

..... PETITIONER

AND

S.H.O.,Police Station II Town, Nizamabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of mandamus or any other appropriate writ order or direction declaring the action of the respondent and his officials in harassing, interfering and calling the petitioner and her family members to the police station as arbitrary, illegal, null and void and violating the Articles 14, 19 and 21 of the Constitution of India consequently direct the respondent not to harass, not interfere with the personal liberties of the petitioner and her family members and not to call the petitioner and her family members to the police station and make them to sit in the police station for days together and not to interfere with the daily life of the petitioner.

Counsel for the Petitioner : MR.K.VENUMADHAV

Counsel for the Respondent : GP FOR HOME

The Court made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.12677 OF 2004

ORAL ORDER :

The petitioner seeks a Writ of Mandamus declaring the alleged action of the respondent – Station House Officer, Nizamabad II-town PS, and his officials in harassing, interfering and calling the petitioner and her family members to the police station as arbitrary and illegal.

The petitioner states that she is a resident of H.No.11-9-118 of Ahmedpura Colony of Nizamabad and that since 02-07-2004 the police belonging to II-Town P.S., Nizamabad have been regularly coming to her house and compelling her to bring her minor son by name Abdul Samee Mohd. @ Sohail, 17 years to the police station. It is also alleged that the police are also calling all the family members of the petitioner to come to police station and making them to sit in the police station throughout the day without there being any justifiable reason. Hence, this writ petition seeking a declaration that the action of the respondent as arbitrary and illegal.

The Sub-Inspector of Police, Nizamabad II Town Police Station, the respondent herein, filed a counter-affidavit denying all the allegations made by the petitioner. In the counter-affidavit, it is stated that basing on the complaint of one Mohd. Iqbal Hussain, Cr.No.97/2004 on the file of Nizamabad II Town P.S. was registered on 27-06-2004 against one Mohd. Masjeed & Mohd. Khaleel and others under Section 324 read with 34 of the Indian Penal Code and the then Sub-Inspector of Police took up investigation into the said crime. The accused persons including Mohd. Majeed @ Mohd. Khaleel and Md. Abdul Shoeb, were found absconding since the registration of the abovesaid case (Cr.No.97/2004) and the police have been on the look out of the said accused persons. On enquiries made with the relatives and friends of the accused, the Police found that the son of the petitioner by name Abdul Samee Mohd. @ Samee is one of the close friends of the accused persons and as such an enquiry was also conducted with him to trace out the accused persons. However, the son of the petitioner stated that he had no knowledge about the whereabouts of his friends and thereafter no further enquiry was made with him. The allegation of the petitioner that she was called by the respondent police has been categorically denied and it is explained that even her son was called to the police station only once for the purpose of enquiring the whereabouts of the accused in Cr.No.97 of 2004.

Having regard to the unrebutted averments in the counter-affidavit, the allegation of the petitioner that the police are attempting to implicate the petitioner and her son without there being any justifiable reason is unfounded. The declaration as prayed for cannot be granted on mere apprehensions of the petitioner.

Accordingly, the Writ Petition is disposed of recording the statement of the respondent that no crime is registered against the petitioner or her son and making it clear that the respondents shall not summon the petitioner or her son to the police station in connection with the investigation in Cr.No.97 of 2004 or any other case without following due process of law.

The Writ Petition is accordingly disposed of. No costs.

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18th August, 2004.

Note:- CC in 3 days.

(B/O)

gbs

To

1. The Station House Officer, II Town P.S., Nizamabad.

2.. Two CCs to G.P. for Home, High Court Bldgs, Hyderabad.(OUT)

3. Two CD copies